

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CELLULAR COMMUNICATIONS,
EQUIPMENT LLC,

Plaintiff,

V.

RESEARCH IN MOTION LIMITED, ET AL.,

Defendants.

Civil Action No. 6:13-cv-510

JURY TRIAL DEMANDED

**STIPULATION OF DISMISSAL WITHOUT
PREJUDICE AS TO DEFENDANT AT&T INC.**

Plaintiff Cellular Communications Equipment LLC (“CCE”) and Defendants AT&T Inc. and AT&T Mobility LLC submit the following Stipulation of Dismissal Without Prejudice as to Defendant AT&T Inc. and in support thereof state:

1. On June 25, 2013, Plaintiff CCE filed suit against AT&T Inc. (“AT&T Inc.”), AT&T Mobility LLC (“AT&T Mobility”), and others for infringement of U.S. Patent No. 6,377,804, U.S. Patent No. 7,215,962, and U.S. Patent No. 8,055,820.
2. AT&T Inc. represents and warrants that:
 - a. AT&T Inc. is a holding company that has no employees, sales representatives, or distributors. Furthermore, AT&T Inc. does not instruct, direct, or control the activities of its subsidiaries (or any other entity) relevant to (i) the operation or design of any cellular telephone communications network; or (ii) the operation or design of wireless device features and functionality.

- b. AT&T Inc. and AT&T Mobility agree that for purposes of discovery in this case, documents and information in the possession, custody or control of AT&T Inc. or any of its subsidiaries are deemed also to be in the possession, custody and control of AT&T Mobility. AT&T Mobility will not object to a request for deposition on the grounds that the prospective deponent is an employee of AT&T Inc. or any of its subsidiaries (though nothing in this stipulation prevents AT&T Mobility from objecting to a deposition on other grounds).
 - c. AT&T Mobility is the proper party to defend against allegations made in this patent infringement lawsuit. Furthermore, AT&T Mobility or any assignee of AT&T Mobility is able to satisfy any judgment against it in this case. AT&T Inc. and AT&T Mobility each warrant and represent that they will not take any action that will cause AT&T Mobility to be unable to fully satisfy any judgment entered in this case.
3. CCE expressly does not stipulate or agree to any of the foregoing facts, and reserves its right to dispute any of the foregoing factual representations with evidence to the contrary.
4. In reliance upon the representations and warranties made in paragraphs 2(a) – 2(c) above, CCE agrees to dismiss AT&T Inc. without prejudice as allowed under Rule 41(a)(2) of the Federal Rules of Civil Procedure.
5. CCE has not released, and nothing in this Stipulation should be construed as a release or discharge of, any claim CCE has or may have in the future against any defendant

named in this action or any other asserted infringer of the patents-in- suit. All other rights have been expressly reserved.

Accordingly, CCE and AT&T Inc. request that the Court enter the attached order dismissing AT&T Inc. without prejudice.

Dated: October 9, 2013

<p>Respectfully submitted,</p> <p><u>/s/ Edward R. Nelson, III</u> Edward R. Nelson, III enelson@nbclaw.net Texas State Bar No. 00797142 Brent N. Bumgardner bbumgarnder@nbclaw.net Texas State Bar No. 00795272 Barry J. Bumgardner barry@nbclaw.net Texas State Bar No. 00793424 S. Brannon Latimer blatimer@nbclaw.net Texas State Bar No. 24060137 Thomas C. Cecil tcecil@nbclaw.net Texas State Bar No. 24069489 Michael J. Fagan, Jr. mfagan@nbclaw.net Louisiana State Bar No. 33821</p> <p>NELSON BUMGARDNER CASTO, P.C. 3131 West 7th Street, Suite 300 Fort Worth, Texas 76107 Phone: (817) 377-9111 Fax: (817) 377-3485</p> <p>T. John Ward, Jr. Texas State Bar No. 00794818 J. Wesley Hill Texas State Bar No. 24032294 Claire Abernathy Henry Texas State Bar No. 24053063 WARD & SMITH LAW FIRM P.O. Box 1231</p>	<p><u>/s/ Kurt M. Pankratz</u> Kurt M. Pankratz, Lead Attorney Texas Bar No. 24013291 kurt.pankratz@bakerbotts.com Roshan Mansinghani Texas Bar No. 24057026 roshan.mansinghani@bakerbotts.com</p> <p>BAKER BOTTS L.L.P. 2001 Ross Avenue, Suite 600 Dallas, Texas 75201-2980 Telephone: (214) 953-6584 Facsimile: (214) 661-4584</p> <p>COUNSEL FOR DEFENDANTS AT&T INC. AND AT&T MOBILITY LLC</p>
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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(h), I certify that the parties have met and conferred and that this motion is unopposed.

/s/ Edward R. Nelson, III
Edward R. Nelson, III

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of October, 2013, I electronically filed the foregoing document with the clerk of the Court for the U.S. District Court, Eastern District of Texas, Tyler Division, using the Court's electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Edward R. Nelson, III
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